

1895-036 Chancery Causes: Hamblen & Russell vs. Thomas McPherson
Lee Co.

Hamblen, Russell

CA-Debt
T-Property

To The Honorable W. T. Miller Judge of The Circuit
Court of Lee County.

Humbly Complaining, sheweth unto your honor your
orators C. S. Hamblen & C. D. Russell late partners doing
business under the firm, name and style of Hamblen
& Russell, that on the 19th day of Feb 1894 they obtained
before W. C. Joslyn a Justice of the Peace for Lee County
a judgment against Thomas S. McPherson of the
said county, for \$17.55 with interest thereon at six per
cent. per ann from the 25th day of June 1885. Till paid
and \$100 on which said judgment a writ of Fieri Facias
was duly issued by the said Justice directed to the Sheriff
of the said county. returnable in 60 days. which was
placed in the hands of the said Sheriff to be executed and
was on the return day thereof returned by the said Sheriff
with the following return enclosed thereto to wit:

"Not executed no property found. H. P. Arrington D. for C. E.
Hamblen Sheriff of Lee County." Said judgment and
execution with return thereon are here filed marked "A"
and your orator charges that the aforesaid notice required by law has been given
and asked to be made part of this bill. Now your orator

further states that the said T. S. McPherson is seized and
possessed in fee simple of a tract of land lying and being
in the said county containing _____ acres bounded by the
lands of _____ that your orator

judges a part of which has been seized is a subsisting
lien, under the statute law of Virginia on said real estate
having been duly docketed in the The County Court Clerk's
office in judgment in book, that the rents and profits
of the said real estate will not satisfy the said judgment
in five years. Therefore the prayer of your orator is that
T. S. McPherson be made a party defendant to this bill
and answer the same on oath. That the said real estate

June Term 1894

C 5.20

S 50

Atty 5.00

Estimated 5.00

\$15.70

1 Ely -

Humble Ed Russell Petts.

vs Bitten Chaucy -

T. S. McPherson Deft.

1894. 2nd May Rules Bill
filed Sp. 24 D. N.

" 1st June Rules taken the
Monday D. N. confd
& Cause set for hearing
by Plaintiff

" November Term Decree
& Continued

1895 March Term Decree final
See order Book Page
141-2.

as so much thereof as may be necessary be sold to satisfy
your aforesaid judgment and that you have no other
grant unto your aforesaid such further and general
relief as may be convenient with equity and the case
requires, may it please your Grace the said case
may etc
m. y. 24 31

VIRGINIA--LEE COUNTY, TO WIT:

TO The Sheriff or any Constable of said County:

I HEREBY COMAND YOU TO SUMMON

Thos McPherson

If to be found in your District to appear at any office in said county, on the 6 day of Jan 1894 before me or such other Justice of the said County, as may be there to try this warrant, to answer complaint of Hamblen & Russell

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$17⁵³/₁₀₀ due by Note and then and there make return of this warrant.

Given under my hand the 30th day of Dec 1893.

W. A. Owens J. P.

Hamblen & Russell

Against Thomas McPherson

On the 19th day of Feb 1894

(In debt.)

At Jonesville in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$17⁵³/₁₀₀, with interest thereon from the 25th day of June 1895, till paid, and \$1⁰⁰/₁₀₀ for costs.

H. C. Jordan J. P.

VIRGINIA--Lee County, To wit: To H. C. Jordan Sheriff Constable of said County. I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of Thomas

McPherson, in your county, you cause to be made

the sum of \$17⁵³/₁₀₀ with interest hereon from the 25th day of June 1895, till paid, which Hamblen

& Russell has recovered before me warrant in debt, and

also the sum of \$1⁵⁰/₁₀₀ which were adjudged to the said Hamblen & Russell for costs in prosecuting said warrant. Given under my hand the 19th day of Feb 1894

H. C. Jordan J. P.

This case is continued until the
first day of Feb Court. Feb 19th 1894.
This Jan 16th 1894. H. C. G. Carolyn J. B.
costs paid by Plaintiff.

April 16/94.

Filed Apr 16 1894

Hambler, Russell
vs. warrant
Thomas McPherson

Doct. Justice D.
Page 41.

July 21 1894

Returned No property
found. This April 16
1894 H. P. Arrington
Depty for C. E. Blumery
J. L. C.

V. I.
This case continued
until Tuesday 16th Jan
1894. H. C. G. Carolyn J. B.
James McPherson
Jan 6 1894

Hamber & Russell
vs. } Dismissal
T. S. McPherson }

This cause came on this day to be heard upon the papers formerly read in the cause and was argued by counsel. On consideration of which and it being admitted in open court by counsel for Plaintiffs that since the last term of this court, that defendant has paid or settled in full the amount in controversy it is ordered that the cause be stricken from the docket.

Handwritten Ed Russell
vs. Secre final
T. S. McPherson

O.B.
Page 141

Entered this
M J M
march 6th 1895

Hambleen and Russell

vs. } } In Chy.
}

O. S. McPherson,

This cause came on this day to be heard upon the bill taken for confessed as to the defendant upon whom process had been duly served, he failing to appear, plead, answer and demur, and was argued by counsel on consideration of which the Court doth adjudge, order and decree ^{that} the plaintiff recover of the defendant the sum of \$17⁵⁵/₁₀₀ with interest thereon from the 25th day of June 1885 till paid and \$1⁰⁰ costs, and it is further adjudged, ordered and decreed that unless the defendant or some one for him pay to the plaintiff the aforesaid sum within ten days from the rising of this court that M. G. Ely who is hereby appointed special commissioner for the purpose, do rent the said land or so much thereof as may be necessary in the bill mentioned to pay the said debt, at the front door of the Courthouse to the highest bidder on a credit of six months, except costs which

will be required to be paid in hand
after having first duly advertised the
same for at least thirty days by notice
posted at the front door of the courthouse
and in the vicinity of said land, this
~~renting shall be made at the front door~~
~~of the courthouse~~, but before the
commissioner makes said renting he
shall execute bond in the sum
of fifty dollars conditioned according
to law and report to Court, and the
cause is continued

Hamblen & Russell

vs. } } Deese

J. S. McPherson

Enter Chy. Ord. Book 4 p. 22

Enter this

June 12th 1874

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Thomas McPherson

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *3rd* Monday in *May*, 189*4*, to answer a bill in Chancery, exhibited against *him* in our said court by *C L Hamblen and C A Russell late partners in trade under the firm name and style of Hamblen and Russell*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *16th* day of *April*, 189*4*, and in the *11 8th* year of the Commonwealth.

A B Munsey Clerk.

Hamblen & Russell

US.

{ SUBPENA
IN CHANCERY.

Thomas McPherson

M. G. Ely p. q.

To 2nd May Rules,
Circuit Court.

Executed by
delivering a true
copy of
the within to
Thomas McPherson
this April 30 day
1894
H. Polington
Deputy for
L. E. Tolsony S. L. C.